

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

JAIME WALTER VILCA ROJAS,

Plaintiff,

v

BILL SCHUETTE, Attorney General
of the State of Michigan, KRISTE KIBBEY
ETUE, Director of the Michigan State Police,
D.J. HILSON, Muskegon County Prosecutor
and DEAN ROESLER, Muskegon County Sheriff,

Defendants.

Case No. 1:13-cv-264

Honorable Gordon J. Quist
U.S. District Judge

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**DEFENDANTS HILSON AND ROESLER'S BRIEF IN SUPPORT
OF MOTION FOR A MORE DEFINITE STATEMENT**

A Motion for a More Definite Statement is appropriate when “a pleading . . . is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading”. Fed. R. Civ. P. 12(e). Under Fed. R. Civ. P. 8(a)(2) a complaint must provide “a short and plain

statement of the claim showing that the pleader is entitled to relief”. As indicated in *Scheid v. Fanny Farmer Candy Shops Inc.* (6th Cir., 1998) 859 F.2d 434, 436, the plaintiff must provide enough detail in the complaint “. . . respecting all the material elements to sustain a recovery”.

In the Complaint served on Defendants Hilson and Roesler, it appears that Paragraph 10 of the Complaint was a reminder of Plaintiff to himself to include factual allegations that would constitute a claim. However, the Complaint, as served, includes essentially no factual allegations against either Defendant. The only allegation against D.J. Hilson is that he is the Prosecutor for Muskegon County. The only allegation against Dean Roesler is that he is the Sheriff of Muskegon County. There is no allegation of conduct or misconduct by either of these Defendants that would indicate that Plaintiff has a claim against either of them. As such, neither of these Defendants can frame a responsive Answer to Plaintiff’s Complaint.

Wherefore, Defendants Hilson and Roesler respectfully request that the Court grant its Motion for a More Definitive Statement.

WILLIAMS HUGHES, PLLC

Dated: June 13, 2013

By: /s/Theodore N. Williams, Jr.
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